

104TH CONGRESS
2D SESSION

S. 1868

To amend the Deepwater Port Act of 1974 to promote the use of deepwater ports to transport Outer Continental Shelf oil by reducing unnecessary and duplicative regulatory requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 1996

Mr. BREAUX introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Deepwater Port Act of 1974 to promote the use of deepwater ports to transport Outer Continental Shelf oil by reducing unnecessary and duplicative regulatory requirements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deepwater Port Mod-
5 ernization Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 3(10) of the Deepwater Port Act of 1974 (33
8 U.S.C. 1502(10)) is amended—

1 (1) by striking “for the loading or unloading”
 2 and inserting “for the transportation, storage,”; and
 3 (2) by inserting after “section 23” the follow-
 4 ing: “, and for any other use consistent with the
 5 purposes of this Act, including transportation of oil
 6 from the Outer Continental Shelf of the United
 7 States”.

8 **SEC. 3. LICENSE FOR THE OWNERSHIP, CONSTRUCTION,**
 9 **AND OPERATION OF A DEEPWATER PORT.**

10 Section 4 of the Deepwater Port Act of 1974 (33
 11 U.S.C. 1503) is amended—

12 (1) in subsection (a), by striking the last sen-
 13 tence;

14 (2) in subsection (c)—

15 (A) by striking paragraph (7); and

16 (B) by redesignating paragraphs (8)
 17 through (10) as paragraphs (7) through (9), re-
 18 spectively;

19 (3) in subsection (e)—

20 (A) by striking “(e)(1) In” and inserting
 21 the following:

22 “(e) TERMS OF LICENSES.—

23 “(1) CONDITIONS.—

24 “(A) IN GENERAL.—In”;

25 (B) in paragraph (1)—

1 (i) in the first sentence, by striking
 2 “any conditions which he” and inserting
 3 “only such conditions as the Secretary”;

4 (ii) by striking “On petition” and in-
 5 serting the following:

6 “(B) PREFERENCE FOR LICENSE CONDI-
 7 TIONS.—To the maximum extent practicable—

8 “(i) conditions required to carry out
 9 this Act shall be addressed in license con-
 10 ditions rather than regulations; and

11 “(ii) a license shall allow the operat-
 12 ing procedures of a deepwater port to be
 13 specified in an operations manual, pre-
 14 pared in accordance with section 10(a) and
 15 approved by the Secretary of the depart-
 16 ment in which the Coast Guard is operat-
 17 ing, rather than in detailed and specific li-
 18 cense conditions or regulations.

19 “(C) REVIEW OF CONDITIONS.—On peti-
 20 tion”;

21 (iii) by striking “The Secretary” and
 22 inserting the following:

23 “(D) AMENDMENT AND RESCISSION OF
 24 CONDITIONS.—

1 “(i) IN GENERAL.—The Secretary”;

2 and

3 (iv) in subparagraph (D) (as so des-
4 ignated), by adding at the end the follow-
5 ing:

6 “(ii) PROCEDURES FOR AMEND-
7 MENTS.—An amendment of a license or
8 operations manual—

9 “(I) shall not be considered to be
10 a rulemaking or adjudication within
11 the meaning of chapter 5 of title 5,
12 United States Code; and

13 “(II) may be made in accordance
14 with such procedures as the Secretary
15 determines are appropriate given the
16 issues involved.”; and

17 (C) in paragraph (2)(A), by striking “ap-
18 plication, as approved,” and inserting “license”;

19 and

20 (4) by striking subsection (f) and inserting the
21 following:

22 “(f) AMENDMENT, TRANSFER, OR REINSTATEMENT
23 OF LICENSE.—The Secretary may amend, transfer, or re-
24 instate a license issued under this Act on finding that the

1 amendment, transfer, or reinstatement is consistent with
 2 the purposes of this Act.”.

3 **SEC. 4. EXEMPTIONS FROM CERTAIN INFORMATION RE-**
 4 **QUIREMENTS.**

5 Section 5(c) of the Deepwater Port Act of 1974 (33
 6 U.S.C. 1504(c)) is amended by adding at the end the fol-
 7 lowing:

8 “(3) EXEMPTIONS FROM CERTAIN INFORMA-
 9 TION REQUIREMENTS.—The Secretary may exempt a
 10 person from any information requirement under
 11 paragraph (2), or under any other provision of this
 12 Act, if the Secretary determines that the information
 13 is not necessary to facilitate the determinations of
 14 the Secretary under section 4.”.

15 **SEC. 5. ANTITRUST REVIEW.**

16 Section 7 of the Deepwater Port Act of 1974 (33
 17 U.S.C. 1506) is amended—

18 (1) by striking subsections (a) and (b)(1);

19 (2) by striking “(2) Nothing” and inserting the
 20 following:

21 “(a) AUTHORITY TO CHALLENGE ANTI-COMPETI-
 22 TIVE SITUATIONS.—Nothing”;

23 (3) by striking “(3) Nothing” and inserting the
 24 following:

25 “(b) EFFECT ON ANTITRUST LAWS.—Nothing”; and

1 (4) in subsections (a) and (b) (as so redesign-
2 nated), by striking “section” each place it appears
3 and inserting “Act”.

4 **SEC. 6. COMMON CARRIER STATUS.**

5 Section 8 of the Deepwater Port Act of 1974 (33
6 U.S.C. 1507) is amended—

7 (1) in subsection (a), by inserting “and shall
8 accept, transport, or convey without discrimination
9 all oil delivered to the deepwater port with respect
10 to which the license of the deepwater port is issued,”
11 before “except as provided”; and

12 (2) in subsection (b), by striking “(b) A li-
13 censee” and all that follows through “However, a li-
14 censee is not” and inserting the following:

15 “(b) EXCEPTIONS.—A licensee shall not be consid-
16 ered to be discriminating for the purpose of subsection (a)
17 and shall not be”.

18 **SEC. 7. MARINE PROTECTION AND NAVIGATIONAL SAFETY.**

19 Section 10(a) of the Deepwater Port Act of 1974 (33
20 U.S.C. 1509(a)) is amended—

21 (1) by striking “shall prescribe by regulation
22 and enforce procedures with respect to any deep-
23 water port, including, but not limited to, rules” and
24 inserting “, with respect to a deepwater port, shall

1 prescribe and enforce procedures, by regulation or
2 through the operations manual of a licensee,”;

3 (2) by striking “unloading procedures” and in-
4 serting “unloading”; and

5 (3) by adding at the end the following: “Com-
6 pliance by a licensee with its operations manual, as
7 approved by the Secretary of the department in
8 which the Coast Guard is operating, shall constitute
9 compliance with all requirements under this Act ap-
10 plicable to the subjects addressed in the operations
11 manual.”.

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